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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,568	02/15/2005	Ulrich Waibel	AT 020053	1140
24737 7590 03/04/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
CHOY, PAN G				
ART UNIT		PAPER NUMBER		
3624				
MAIL DATE		DELIVERY MODE		
03/04/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/524,568

**Applicant(s)**

WAIBEL, ULRICH

**Examiner**

PAN CHOY

**Art Unit**

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11 and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Introduction*

1. This Non-Final Office Action is in response to communications received on December 4, 2008.

Claims 1, 3-11, and 13-20 have been amended. Claims 2 and 12 have been cancelled.

Claims 1, 3-11, and 13-20 are pending.

### *Response to Amendment*

2. Applicant's amendment to the abstract is **sufficient to overcome objection to the specification** as set forth in the previous office action.

Applicant's amendment to claims 1-10 and 18 is **sufficient to overcome the 35 U.S.C. § 112, second paragraph, rejections to the claim** as set forth in the previous office action.

Applicant's amendments to claims 1, 2, 4, 6, 9 and 10 is **sufficient to overcome the 35 U.S.C. § 101 rejections** as set forth in the previous office action.

Applicant's amendment to claims 11-20 is **sufficient to overcome the 35 U.S.C. § 101 rejections** as set forth in the previous office action.

***Response to Arguments***

Applicant's arguments, see Last Paragraph, Page 9 remarks, filed December 4, 2008, with respect to the rejection(s) of claim(s) 1-20 under 35 USC 102(e) Archbold U.S. Patent No. 7,031,998 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Archbold, (U.S. Pat. No.: 7,031,998 B2) in view of Barton, (U.S. Pub. No.: 2002/0046074 A1).

***Claim Objections***

3. Claims 7-10 are objected to under 37 CFR 1.75(c), as being of improper dependent form. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form. Regarding Claim 7, an independent claim for a system to perform the steps "as claimed in claim 1" is improper, all steps must be recited within the independent claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. § 103(a) with forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-11, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Archbold, (U.S. Pat. No.: 7,031,998 B2), and further in view of Barton, (U.S. Pub. No.: 2002/0046074 A1).

**Regarding Claim 1**, Archbold teaches a device for the automatic routing of jobs of different types to persons who will undertake the jobs (see col. 1, lines 30-35: *automated assignment of jobs*; and col. 9, lines 57-58: *qualifying the scribe for the type of work*), with

means for establishing a type of a job to be routed when a job request arrives (see col. 9, lines 52-62: *A computer program compares the output and qualifying the higher level or type of work*),

means for storing (see Abstract: *computer and software system for keeping the databases used to process Jobs and statistical records of jobs*) personal parameters of persons assigned to types of jobs (col. 4, lines 6-9: *information about Scribes such as productivity, billing information, qualifications, availability, ability to update their own schedule*),

means for establishing at least one person who, on the basis of the stored personal parameters in the means for storing personal parameters (see col. 6, lines 41-43: *selects a Scribe using algorithms with the Scribes Database Record*; and col. 4, lines 6-9: *information about Scribes such as productivity, billing information, qualifications, availability, ability to update their own schedule*), is suitable for undertaking the particular job, based on the type established by the means for establishing the type of the job (see col. 3, lines 49-50: *jobs are assigned by the system depending on the availability of qualified Scribes*; and col. 9, lines 57-58: *qualifying the Provisional Scribe for the type of work*),

means for automatically forwarding the processing request to the person established as suitable, which means for automatic forwarding are connected to the means for establishing at least one suitable person (see col. 6, lines 57-59 : *when the Scribe is selected, an Electronic Worker Message is created in Voice-Mail and E-Mail*; and column 19, lines from 64: *a central computer that receives the job packet from the local computer, reads and analyzes the job processing requirements, updates the job record based on the requirements associated with job steps, and automatically forwards job step data to a selected scribe*);

Archbold does not specifically disclose wherein the means for establishing at least one suitable person include means for creating a list of suitable persons, ranked according to their suitability on the basis of the personal parameters; however, Barton disclose "provide a list of basic qualifications, and can rank the relative importance of particular skill, and the basic qualifications can include, education, years of experience,

industry background, current job level" (see ¶ 222 of Barton). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Barton in the system of Archbold, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Regarding Claim 3**, Archbold teaches a device as claimed in claim 1, further equipped with memory means for storing working-time information and with means for selecting a person from the list on the basis of their ranking in the list and on the basis of working-time information read from memory means (see column 6, lines 34-49: *DAD computer passes the Job Record from his storage to MOM via FTP, MOM takes the job packet, inspects and updates the status, selects a Scribe using algorithms with the Scribe Database Record*).

**Regarding Claim 4**, Archbold teaches a device as claimed in claim 1, further equipped with means for recording information concerning the current workloading of individual persons, and with means for selecting a person from the list on the basis of their ranking in the list and on the basis of the information concerning their current workloading (see col. 13, lines 66-67: *SuperMOM maintains a Job Status Site where Clients and Authors can check on the current status of a job that belongs to them*),

**Regarding Claim 5**, Archbold teaches a device as claimed in claim 1, further equipped with memory means for storing (see Abstract: *keeping the databases used to*

*process jobs*) working-time information for the individual persons, with means for recording (see col. 7, lines 57-58: *a transaction is made to the Scribe's Database Record*) information concerning the current workloading of the individual persons, and with means for selecting a person from the list on the basis of their ranking in the list, on the basis of working-time information read from memory means (see column 6, lines 41-42: *selects a Scribe using algorithms with the Scribe Database Record*) and on the basis of information concerning the current workloading.

**Regarding Claim 6**, Archbold teaches a device as claimed in claim 1, in which the means for storing the personal parameters is connected to a means for the continuous determination of these personal parameters on the basis of each job undertaken by the person (see col. 13, lines 66-67: *SuperMOM maintains a Job Status Site where Clients and Authors can check on the current status of a job that belongs to them*).

**Regarding Claim 7**, Archbold teaches a system comprising multiple workstations (see col. 2, lines 16-25: *a MOM computer being associated with a plurality of HOME computers with which said MOM computer communicates each of said HOME computers*) with means for processing information made available in electronic form (see col. 2, lines 14-40: *means for receiving job packet, selecting Scribes, and means for generating Electronic Worker Messages in the form of E-mail and voicemail to specified User for information or action*), and comprising a device for routing the jobs, as claimed in claim 1 (see the discussion of claim 1).



**Regarding Claim 8**, Archbold further teaches the system of claim 7, with means for voice recognition and for the creation of text information on the basis of dictations by authors, wherein the workstations are transcription workstations for the processing of text information (see col. 14, 63-67 and col. 15, lines 1-2: *can use a software speaker-independent voice-recognition command system; and col. 1, lines 38-39: allowing authors to create multimedia documents*).

**Regarding Claim 9**, Archbold further teaches wherein the means for establishing the type comprises a means for establishing the specialist field of the particular dictation (see col. 4, 18-37: *an attorney can dictate a memo regarding a personal injury case into the system, fax a copy of an offer of settlement, and a visual attachment of x-rays of the client; a radiologist can dictate her review of an X-ray and forward that information to selected Listeners*).

**Regarding Claim 10**, Archbold teaches a system as claimed in claim 8, wherein the means for establishing the type comprises a means for establishing the particular author (see col. 1, lines 34-36: *automated assignment of jobs, automated management of billing information, and providing for scribe queries of authors*).

**Regarding Claim 11**, Archbold teaches a computer readable storage medium including a set of instructions executable by a processor, the set of instructions operable to (see col. 5, lines 30-35: *This system includes not less than 100 MB of RAM...Read/Write CD driver*):

Automatically routing jobs of different types to persons who undertake the jobs (see col. 1, lines 30-35: *automated assignment of jobs*; and col. 9, lines 57-58: *qualifying the scribe for the type of work*), wherein the type of the particular job to be routed is established (see col. 9, lines 52-62: *A computer program compares the output and qualifying the higher level or type of work*), and a person suitable to undertake the job is determined on the basis of stored personal parameters assigned to the types of jobs, to which person the job is routed (see col. 4, lines 6-9: *information about Scribes*; and col. 6, lines 41-43: *selects a Scribe using algorithms with the Scribes Database Record*).

Archbold does not specifically disclose wherein a list of suitable persons, ranked according to their suitability established on the basis of the personal parameters, is created for the particular job type; however, Barton disclose "provide a list of basic qualifications, and can rank the relative importance of particular skill, and the basic qualifications can include, education, years of experience, industry background, current job level" (see ¶ 222 of Barton). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Barton in the system of Archbold, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Regarding Claim 17**, Archbold teaches a method as claimed in claim 11, wherein jobs involving the processing of information made available in electronic form

are routed (see col. 2, lines 32-40: *generating Electronic Worker Messages in the form of email and voicemail to specified users for information or action*).

**Regarding Claim 18**, Archbold teaches a method as claimed in claim 17, wherein the information to be processed is text information compiled automatically with the aid of voice recognition means on the basis of dictations by authors (see col. 14, 63-67 and col. 15, lines 1-2: *can use a software speaker-independent voice-recognition command system*).

**Regarding Claim 19**, Archbold teaches a method as claimed in claim 18, wherein, to establish the type of the particular job, the specialist field of the particular dictation is established (see column 4, 18-37: *an attorney can dictate a memo regarding a personal injury case into the system, fax a copy of an offer of settlement, and a visual attachment of x-rays of the client; a radiologist can dictate her review of an X-ray and forward that information to selected Listeners*).

**Regarding Claim 20**, Archbold further teaches wherein, to establish the type of the particular job, the particular author is established (see col. 9, lines 52-62: *A computer program compares the output, the result and scoring are forwarded to the Scribe Coordinator for qualifying the type of work; and col. 1, lines 34-36: automated assignment of jobs, automated management of billing information, and providing for scribe queries of authors*).

**Claims 13-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Archbold, (U.S. Pat. No.: 7,031,998 B2), and further in view of Barton, (U.S. Pub. No.: 2002/0046074 A1), and Ferlitsch, (U.S. Pub. No.: 2003/0117638 A1).

**Regarding Claim 13**, Archbold does not specifically disclose a method as claimed in claim 11, wherein the person who is both best suited and available is established from the created list on the basis of the personal parameters; however, Ferlitsch discloses a system having the ability to match one or more printing sources to the best-fit printing device contained within a set of available printing devices, wherein the best-fit is based on a set of identified criteria (see ¶ 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the features as taught by Ferlitsch in view of Barton in the system of Archbold, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

**Regarding Claim 14**, Archbold teaches a method as claimed in claim 13, wherein the availability of the person is established on the basis of stored working-time information (see col. 4, lines 5-8: *The information can provide information about Scribes' availability in real-time*; column 3, lines 49-50: *jobs are assigned by the system depending on the availability of the qualified Scribes*).

**Regarding Claim 15**, Archbold teaches a method as claimed in claim 13, wherein the availability of the person is established on the basis of continuously determined information concerning the current workloading of this person (see col. 4, lines 5-8: *The information can provide information about Scribes' availability in real-time*; and col.13, lines 66-67: *SuperMOM maintains a job status site where Clients and Authors can check on the current status of a job that belongs to them*).

**Regarding Claim 16**, Archbold teaches a method as claimed in claim 13, wherein the availability of the person is established on the basis of stored working-time information and of continuously determined information concerning the current workloading of this person (see col. 4, lines 5-8: *The information can provide information about Scribes' availability in real-time*; and col.13, lines 66-67: *SuperMOM maintains a job status site where Clients and Authors can check on the current status of a job that belongs to them*).

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclose.

- Yuri et al., (U.S. Pat. No.: 6249715) discloses a method and apparatus for optimizing work distribution. A level is set for each task to be performed and a skill level is set for each worker. A time variation factor is set based upon the ranked work difficulty and the skill level of the workers.

- Brodersen et al., (U.S. Pat. No.: 6850895) discloses a method, a product, and a system for assigning resources to tasks in a rule based which are "Best Fit", "Random Fit" or "Mandatory Fit", with ranking of employees by weighted rankings, flexible scoring, minimum or threshold scores.
- A multiattribute approach to general flowshop problems, by Reza Ramezani Khorshid-Doust, Department of System Engineering, Cast Western Reserve University, August, 1991; discloses a method to be develop a new formulation by use of multiattribute alternative ranking. The most preferred job is assigned the highest rank as determined by the corresponding multiattribute value function.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAN CHOY whose telephone number is (571)270-7038. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571)272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pan Choy/  
Examiner, Art Unit 3624  
February 28, 2009

/Scott L Jarrett/  
Primary Examiner, Art Unit 3624